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LB 1105

wish to comment on it.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move my name down on the list. I would like to hear what Senator Carsten has to say.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, we did check into this documentary stamp question and the difference in the recognition of who files and who doesn't and our findings was this that on the federal level, the federal level has recognized national banks as to be an arm of the federal entity. However, the state has not recognized that state banks are an arm of the state. Apparently the technical difference in the interpretation there has held rule and they have so implemented the Documentary Stamp Act. That is the explanation as I understand it relative to this subject. Thank you.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I don't plan to vote for this amendment and let me tell you why. It is not because there may not be a question of inequity as between state financial institutions and federal financial institutions but the way this amendment is drafted you are cutting out a much bigger hunk than is necessary. What he is doing is crossing out the language that says "Deeds given as consideration for the satisfaction of a debt or other obligation are not entitled to this exemption." Now he is cutting that broad language out completely which would have the effect, of course, of protecting state financial institutions in that situation, at least in that one situation. It doesn't protect them as broadly as Senator Lamb would intend anyway but it also does this. It says that anytime two individuals, for example, transfer property between each other, if they are doing it because one owes the debt to another, whether that property is mortgaged or secured or not, then they are not going to pay the documentary stamp tax. Now that is too broad. There is